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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,778	07/15/2003	James Pate	02-5976	1134
24319	7590	09/09/2005		
LSI LOGIC CORPORATION 1621 BARBER LANE MS: D-106 MILPITAS, CA 95035			EXAMINER NGUYEN, KIMBERLY D	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/620,778

Applicant(s)

PATE, JAMES

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 27-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/15/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Amendment

1. Acknowledgement is made of Response to Restriction Requirement filed July 8, 2005, which applicant provisionally elects to prosecute claims 1-5, 6-11, 12-17 and 27-32 (which read on the species of Group I and drawn to figures 1-3) without traverse. Claims 18-22 and 23-26 are withdrawn from further consideration by the examiner, 37CFR 1.142(b), as being drawn to non-elected claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 6-11, 12-17 and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevens, III (US 6,747,560).

Re claims 1, 5 and 27-28: Stevens, III teaches a method for manufacturing a data storage device (item 16 in fig. 1), comprising:

placing a RF tag (30, 18 in fig. 1) on a data storage device (16; col. 3, lines 36-40); and

assembling the data storage device (16) based on the RF tag (30, 18), wherein the RF tag provides information on an assembly method (e.g., "When the meat is cut, weighed and packaged, the scale conveys the weight to item status data file 28 ... to be stored with the price

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and weight information...” col. 4, lines 1-15; col. 2, lines 25-30; col. 3, line 12 through col. 4, line 15).

Re claims 2-4, 7-9 and 29-30: Stevens, III teaches the RF tag (30, 18) is a read-only tag (col. 3, lines 21-23).

Re claim 6: Stevens, III teaches a method for shipping a data storage device, comprising: reading a RF tag (30, 18) attached on a data storage device (16) to select the data storage device (“RFID readers 14 communicate with RFID label 30 on item 16.” col. 2, lines 60-61); and shipping the data storage device to a customer/shopper (col. 3, line 66 through col. 4, line 15).

Re claims 10-11: Stevens, III further teaches removing the data storage device from an inventory based on the RF tag (e.g., item 16, which is tagged as purchased item; col. 3, lines 46-59).

Re claims 12-15: Stevens, III teaches a method for tracking and utilizing a data storage device, comprising:

entering information about a data storage device (16) into a database (28, 38) through reading a RF tag (30, 18) placed on the data storage device (16) when a customer receives the data storage device from a manufacturer; and

storing the data storage device (16) in an inventory based on the RF tag (30, 18), wherein the RF tag contains hardware and software configuration information about the data storage device (e.g., the meat is cut, weighed, and packaged... col. 3, line 66 through col. 4, line 15; col. 3, lines 12-59).

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Re claims 16-17: Stevens, III further teaches communicating location of the data storage device (16) to the manufacturer via global position system and the RF tag (col. 1, lines 29-45; col. 3, line 66 through col. 4, line 15).

Re claims 31-32: Stevens, III further teaches a remote monitoring system (14) communicatively coupled to the RF tag (30, 18), wherein the information about the data storage device is communicated to a manufacturer (e.g., 12 in fig. 2) via the remote monitoring system (14; col. 3, line 43 through col. 4, line 15).

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Kevin Nguyen", is positioned above the typed name and date.

KDN

September 1, 2005